REMARKS

In view of the following remarks, Applicant respectfully requests reconsideration and allowance of the subject application. No claims have been added; claim 2 has been cancelled; and claims 1 and 3-15 have been amended. Claims 1 and 3-18 are pending. Furthermore, the paragraph beginning on page 6, line 10 has been amended to correct the informality noted by the Examiner.

Rejections to the Claims

35 U.S.C. 102

Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by United States Patent No. 6,675,387 to Boucher et al. (herein referred to as "Boucher").

Claim 1 has been amended, rendering the 102 rejection of claim 1 moot. As amended, claim 1 includes the limitations originally recited in claim 2. Accordingly, claim 1 is addressed below, along with the other 103 rejections.

35 U.S.C. 103

Claims 2-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boucher in view of United States Patent No. 6,785,334 to van der Schaar et al. (herein referred to as "Schaar").

Applicant's application describes a means by which a static image is encoded and transmitted at a lower than maximum quality and then the quality of the image or parts thereof is improved over time, if the image is indeed static. (*Application*, page 6, line 32 - page 7, line 1.) Specifically, claim 1 recites:

> generating and transmitting a data block of image enhancement data associated with the portion of the image if the portion of the image did **not** change in a time period, such that the data block improves the quality of the portion of the image.

Neither Boucher nor Schaar, alone or in combination, teach or suggest "generating and transmitting a data block of image enhancement data associated with the portion of the image if the portion of the image ***did not change*** in a time period, such that the data block improves the quality of the portion of the image," as recited in claim 1.

Boucher describes methods and systems for preparing multimedia data using pre-rendering and encoding techniques that format the video image data into fat macroblocks. (*Boucher*, Abstract.) Specifically, Boucher describes creating p-frames containing data for selected macroblocks associated with a changing portion of an image, such that only the portion of the image that is changing is updated. "The rest of the macroblocks will be sent as motion vectors having a value of zero or as skip blocks." (*Boucher*, col. 6, lines 41-48.)

Schaar describes a method for determining the number of transmission bits of SNR encoded and temporally encoded video data within a frame to balance image quality and object motion. (*Schaar*, Abstract.) An image to be

transmitted is divided into base layer and one or more enhancement layers. The base layer represents a minimum acceptable quality of the image, and is guaranteed to be transmitted. (*Schaar*, column 2, lines 47-49.) One or more of the enhancement layers may also be transmitted depending on available bandwidth. That is, as more transmission bandwidth is made available, the corresponding quality of the individual images increases. Thus an increased number of FGST layer frames can be transmitted to improve visual quality. (*Schaar*, column 6, lines 26-30.)

With regard to the recited "generating and transmitting a data block of image enhancement data associated with the portion of the image if the portion of the image did not change in a time period," the Office cites Schaar, figure 3A, column 4, lines 10-14. (*Office Action*, page 3.) Schaar, figure 3A depicts a flow-chart of an exemplary processing sequence for determining the number of FGS layer bits and FGST layer bits to transmit in order to achieve an optimal visual quality. (*Schaar*, column 5, lines 37-40.) Column 4, lines 10-14 state, "FGS rate controller 28 and Real-time Scalable video rate controller 18 of FIG. 1 determines the number of bits that can be transmitted in each of the above referred to transmission schemes using a first method when only one enhancement layer is transmitted and a second method when a combination of SNR and temporal enhancement is necessary." This cited portion of Schaar does not teach or suggest "generating and transmitting a data block of image enhancement data associated with the portion of the image if the portion of the image did not change in a time period."

Boucher teaches updating changing portions of an image, while not updating static portions of the image. This is contradictory to claim 1, in which a data block of image enhancement data associated with the portion of the image is generated and transmitted if the portion of the image ***did not change*** in a time period, such that the data block improves the quality of the portion of the image. Furthermore, none of the cited portions of Schaar teach or suggest "generating and transmitting a data block of image enhancement data associated with the portion of the image if the portion of the image did not change in a time period," as recited in claim 1. Accordingly, claim 1 is allowable over the combination of Boucher and Schaar.

Claim 2 has been cancelled, rendering the rejection of claim 2 moot.

Claims 3-18 are allowable by virtue of their dependence on claim 1.

Conclusion

Claims 1 and 3-18 are believed to be in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the present application. Should any issue remain that prevents immediate issuance of the application, the Examiner is encouraged to contact the undersigned agent to discuss the unresolved issue.

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